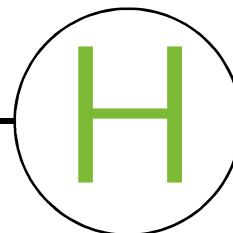


appendix

Downtown District Code

April 30, 2004



Downtown District

A New District for the City of Fayetteville's Unified Development Code

Prepared by:
Dover, Kohl & Partners
April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

161.26 District D-1, Downtown District

(A) *Purpose.* The City of Fayetteville seeks to create a Downtown District based upon traditional standards for city building. In January 2004 the City of Fayetteville created a plan for the Downtown District through a design charrette process involving the community and a team of design professionals. The Downtown District is form-based and categorizes areas of Downtown into specific transect zones based on the Downtown Master Plan.

Traditional urban design conventions have been applied to create a palette of building and thoroughfare types that form the framework for the Downtown District. These design conventions are derived from a number of sources in planning literature. Where approvals, interpretations, and judgements are left to the discretion of City officials, these officials shall use the following texts for guidance as to best practices:

Civic Art, by Hegemann and Peets;
Great Streets, by Allan B. Jacobs;
The Charter of the New Urbanism, by Congress for the New Urbanism;
AIA Graphic Standards, 9th Edition;
The Lexicon of the New Urbanism, by Duany et al, Congress for the New Urbanism;
Shared Parking, by Barton-Aschman Associates, The Urban Land Institute;
The American Monolia: A Guide to the Making of Classical Architecture, by William R. Ware.

In the case of conflict between the standards set forth in the Downtown District and any other local land development regulation, these standards shall apply.

(B) *Definitions.*

- (1) *Appurtenances:* Architectural features consisting of awnings, marquees, porches, stoops, balconies, turrets, cupolas, balconies, colonnades, and arcades.
- (2) *Arcade:* A colonnade composed of a counterthrusting arches.
- (3) *Awning:* A flexible rooflike cover that extends out from an exterior wall and shields a window, doorway, sidewalk, or other space below from the elements.
- (4) *Balcony:* An open habitable portion of an upper floor extending beyond a building's exterior wall that is not supported from below by vertical columns or piers but is instead supported by either a cantilever or brackets.

- (5) *Baluster:* A short vertical member use to support a railing or coping.
- (6) *Balustrade:* A railing together with its supporting balusters or posts, often used at the front of a parapet.
- (7) *Block:* A combination of building lots, the perimeter of which abuts streets.
- (8) *Build-to line:* A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.
- (9) *Build-to Zone:* A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.
- (10) *Building Footage:* The vertical side of a building which faces the primary space or street and is built to the Build-to line.
- (11) *Building Height:* A limit to the vertical extent of a building measured in stories from the mean elevation of the finished grade or sidewalk at footage line, whichever is higher, to the eave of the roof, or cornice for a building with a parapet. Permitted building heights vary according to transect zone. The maximum number of stories is inclusive of habitable roofs and exclusive of true basements.
- (12) *Civic Building:* Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.
- (13) *Colonnade:* A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.
- (14) *Cornice:* projecting horizontal decorative molding along the top of a wall or building.

CD161.26.1
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

- (15) *Cupola*: A domelike structure surmounting a roof or dome, often used as a lookout or to admit light and air.
- (16) *Curb Radius*: The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.
- (17) *Dwelling, live/work*: A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not dwell in the principal or accessory dwelling unit.
- (18) *Dwelling, rowhouse*: An attached single-family dwelling unit located on land owned by the unit owner and situated in a row of two (2) or more similar horizontally attached dwelling units, each unit having its own separate water, sanitary sewer, ventilation and heating system, inclusive of separate utility service lines and meters, and which is separated from attached adjacent dwelling units by a fire-resistant common wall.
- (19) *Expression Line*: A horizontal line, the full width of a façade, expressed by a material change or by a continuous projection not less than two (2) inches nor more than one (1) foot deep.
- (20) *Frontage Line*: The property line or lines of a lot which coincide with a right-of-way or other public open space.
- (21) *Habitable Space*: Building space whose use involves human presence. Habitable space excludes parking garages, self service storage facilities, warehouses, and display windows separated from retail activity.
- (22) *Liner Building*: A building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows.
- (23) *Lintel*: A horizontal beam that supports the weight of the wall above a window or door.
- (24) *Marquee*: A permanently roofed architectural projection the sides of which are vertical and are intended for the display of signs and which is supported entirely from an exterior wall of a building.
- (25) *Milions*: Strips of wood or metal that separate and hold in place the panes of a window.
- (26) *Parapet*: A low guarding wall at the edge of a roof, terrace, or balcony.
- (27) *Paseo*: A cross-block, primarily pedestrian passage connecting one right-of-way or paseo to another. Paseos shall be designed for pedestrian comfort, either shaded by trees or by the buildings that line the space.
- (28) *Plaza*: An unroofed public open space with a majority of paved surface. Plazas are fronted with buildings.
- (29) *Principal Façade* (For purposes of placing buildings along build-to lines or build-to zones): The front plane of a building not including stoops, porches, or other attached architectural features.
- (30) *Rear Access Lane*: A publicly or privately owned secondary way that affords access to the side or rear of abutting property.
- (31) *Shared Parking*: A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.
- (32) *Square*: An open space surrounded by streets or other vehicular passages.
- (33) *Scoop*: A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.
- (34) *Storefront*: The portion of a building at the first story of a retail frontage that is made available for retail use.

CD161.26.2
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

- (35) *Story*: A floor level within a building.
- (36) *Streetwall*: The vertical surface of a building or structure that faces public open space.
- (37) *Structured Parking*: Layers of parking stacked vertically.
- (38) *Thoroughfare*: A group of walkable streets.
- (39) *Thoroughfare, Alley*: A traditional, pedestrian scale thoroughfare serving working functions of loading, service and employee pedestrian access at the rear of commercial and mixed-use buildings.
- (40) *Thoroughfare, Boulevard*: A principle traditional thoroughfare designed to encourage pedestrian mobility while traversing a community. Boulevards generally have center medians, street trees, sidewalks and parallel parking. Where higher traffic volumes occur, Multi-way Boulevards are specified with center travel lanes, adjacent medians and lower speed, outside access lanes. The outer lanes and medians are pedestrian friendly and the center lanes serve motor vehicle mobility.
- (41) *Thoroughfare, Lane*: A traditional, walkable thoroughfare serving the pedestrian mobility and access needs at the rear of residential and mixed-use units.
- (42) *Thoroughfare, Main Street*: A traditional thoroughfare with features that encourage pedestrian movement, serving a compact mix of land uses. Main Streets have parallel parking on both sides and, where the uses are more compact and activity is more intense, angle (or diagonal) parking is specified.
- (43) *Thoroughfare, Road*: A general traditional thoroughfare found in a less dense urban setting. Typically, parking is not adjacent to the travel way and curbs are rare.
- (44) *Thoroughfare, Street*: A general, traditional thoroughfare serving pedestrian mobility, with two or four travel lanes and parking generally on one or two sides.
- (45) *Transect*: A categorization system that organizes all elements of the urban environment on a scale from rural to urban. Any lot in the manmade environment belongs to a certain transect zone, which will describe the character and intensity of construction upon that lot. The transect zones for the Downtown District are identified on the Regulating Plan.
- (46) *Turret*: A small tower or tower-shaped projection on a building.
- (C) *Regulating Plan*.
- (1) The Downtown District is divided into four designated transect zones, as shown on the Regulating Plan. The transect zones reflect the character of the streets in the various places within the Downtown District. The transect zones are identified as:
- (1) Regional Core
 - (2) Main Street / Center
 - (3) Downtown General
 - (4) Neighborhood Conservation
- The development regulations for properties within each of the transect zones are described in Section 161.26(D), Urban Standards.
- (2) In addition to identifying the transect zones, the Regulating Plan identifies the Cultural and Entertainment Overlay District, which lies within the Main Street / Center transect zone. Exceptions apply to properties within the Cultural and Entertainment Overlay District and are described in Section 161.26(D)(5), Cultural and Entertainment Overlay District.
- (3) The Regulating Plan also identifies future alley locations. These locations are intended to be schematic to allow flexibility in the design of the site plan as properties are redeveloped over time. Future alleys shall:
- be a minimum of twenty (20) feet wide;
 - connect to existing streets or existing alleys; and
 - not dead-end unless shown on the Regulating Plan.
- (4) Alleys may be deeded to the City of Fayetteville, or may remain under private ownership.

CD161.26.3
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(5) A property internal to a block that redevelops prior to its neighbors is not required to construct an alley, however, the site plan shall reflect rear or side setbacks that provide enough room for the future connection when neighboring properties do redevelop.

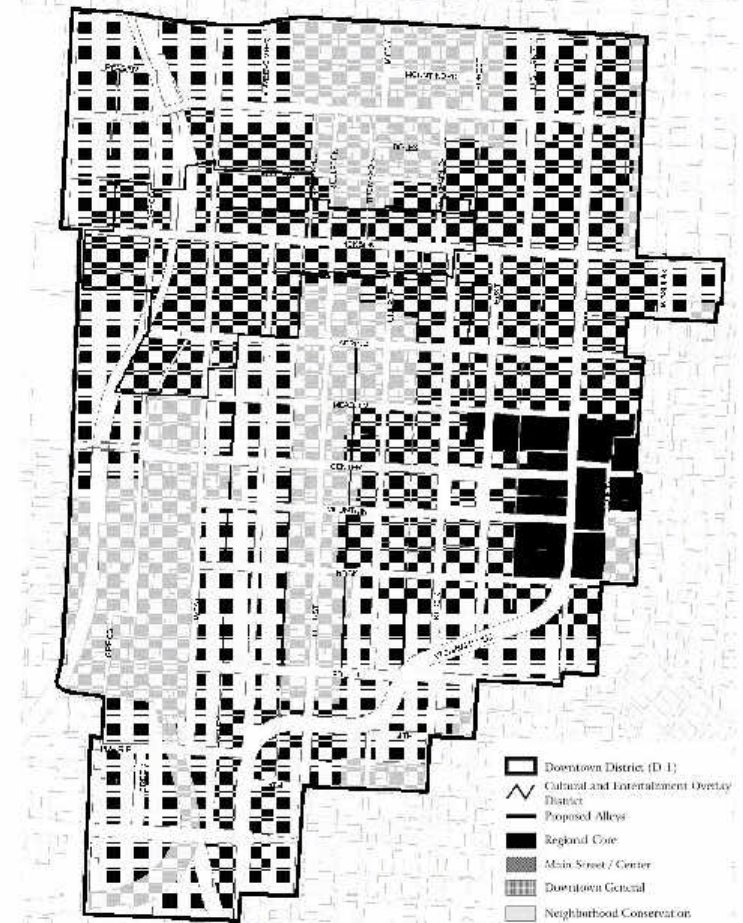
(6) When the future alley location shown on the Regulating Plan passes between two properties, each property owner is only responsible for half of the alley. If one of these two property owners chooses to redevelop first, he or she may elect to provide the entire alley, or may seek the cooperation of the neighbor for the other half.

(7) Providing the alley may be avoided, at the discretion of the Planning Commission, upon receipt of agreements with neighboring properties granting vehicular cross access through existing drives or parking lots. Exceptions to alleys may also be granted if the construction of the alley negatively affects buildings of historical or cultural significance, or if topographic conditions make the construction too steep and therefore unsafe.

CD16126.4
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(8) Regulating Plan.



CD16126.5
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

- (D) *Urban Standards.* The Urban Standards establish the physical and functional relationships between buildings. The standards set forth rules related to building placement (setbacks, build-to lines, lot coverage, lot frontage), uses, and height. Additional requirements and opportunities regarding affordable housing may apply in the Downtown District [see Section 161.26(G)].

The Downtown District is based on the transect. The Downtown District is divided into four designated transect zones as shown on the Regulating Plan, Section 161.26(C)(8).

- (1) Regional Core
- (2) Main Street / Center
- (3) Downtown General
- (4) Neighborhood Conservation

Additionally, special standards apply to the Cultural and Entertainment Overlay District, located within the Main Street / Center transect zone.

(1) *Regional Core.*

- (a) *Purpose.* Development is most intense, and land use is densest in this transect zone. The character of the *Regional Core* is more urban than the *Main Street / Center* and is on a major thoroughfare. Uses are primarily destination retail, entertainment venues, offices, and multi-family residential.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 19	Commercial recreation, small businesses
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 29	Dance halls
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 35	Outdoor music establishments
Unit 36	Unlicensed community facilities

(c) *Density.* None.

(d) *Bulk and area regulations.* None.

(e) *Setback regulations.*

Front	Buildings shall be built up to a build-to line that runs along the front property line.
Side, facing street	Buildings shall be built up to a build-to line that runs along the side property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage.* 80 % of lot width.

(g) *Height regulations.* Minimum height is 3 stories. Maximum height is 12 stories.

(2) *Main Street / Center.*

- (a) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street / Center*. Day care, post offices, libraries, small neighborhood retail, live-work units, and places of worship are located here. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the *Center* are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lots, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street / Center*. The *Center* is within walking distance of the

CD161.26.6
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

surrounding, primarily residential areas.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 19	Commercial recreation, small businesses
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 29	Dance halls
Unit 34	Liquor stores

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 28	Center for collecting recyclable materials
Unit 35	Outdoor music establishments
Unit 36	Unlicensed community facilities

(c) *Density.* None.

(d) *Bulk and area regulations.*

(1) *Lot width minimum.*

All unit types	18 ft.
----------------	--------

(2) *Lot area minimum.* None.

(e) *Setback regulations.*

Front	None
Side, facing street	Buildings shall be built up to a build-to line that runs along the side property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a

property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) *Minimum buildable street frontage.* 75 % of lot width.

(g) *Height regulations.* Minimum height is 2 stories. Maximum height is 6 stories. Above four stories there shall be a setback of the building's principal façade of no less than 15 ft.

(3) *Downtown General.*

- (a) *Purpose.* *Downtown General* is a flexible transect zone, and it is not limited to the concentrated mix of uses found in the *Regional Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses.

(b) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 28	Center for collecting recyclable materials
Unit 35	Unlicensed community facilities

CD161.26.7
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(c) Density.

Residential use per acre	4 to 24
--------------------------	---------

(d) Bulk and area regulations.

(1) Lot width minimum.

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) Lot area minimum. None.

(e) Setback regulations.

Front	The principal facade of a building shall be built within a build-to zone that is located between a line 5 feet from the front property line and a line 20 ft. from the front property line.
Side, facing street	5 ft.
Side, internal	None
Rear, with easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) Minimum buildable street frontage. 50% of lot width.

(g) Height regulations. Minimum height is 1 story. Maximum height is 4 stories.

(4) Neighborhood Conservation.

(a) Purpose. The Neighborhood Conservation transect zone has the least activity and a lower density than the other transect zones. Although Neighborhood Conservation is the most purely residential transect zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character.

(b) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

Unit 8	Single-family detached housing
Unit 9	Two-family detached housing
Unit 24	Home occupation

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(c) Density.

Residential use per acre	4 to 12
--------------------------	---------

(d) Bulk and area regulations.

(1) Lot width minimum.

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) Lot area minimum. None.

(e) Setback regulations.

Front	The principal facade of a building shall be built within a build-to zone that is located between a line 5 feet from the front property line and a line 20 ft. from the front property line.
Side, facing street	5 ft.
Side, internal, adjoining adjacent use unit	None
Side, internal, adjoining adjacent use unit	5 ft.
Rear, with easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

Note: If the Regulating Plan shows an alley along the rear, side, or across a property line, adjustments to setbacks might be necessary. See Section 161.26(C)(3)-(8).

(f) Minimum buildable street frontage. 40% of lot width.

(g) Height regulations. Minimum height is 1 stories. Maximum height is 3 stories.

(5) Cultural and Entertainment Overlay District.

(a) Purpose. The Cultural and Entertainment Overlay District is a designated area within the Downtown District in which entertainment venues and cultural activities are encouraged. The Overlay District lies within the Main

CD161.26.8
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

Street/Center transect zone. To foster a cultural and entertainment environment in Downtown Fayetteville, special standards apply.

(b) Signage & Lighting. To emphasize that the Cultural and Entertainment Overlay District is a lively center of activity for Fayetteville, more flexibility is permitted for the design of creative signage. Signage shall comply with the requirements of the underlying zone with the following exceptions:

* Maximum gross area of signs on a given facade shall not exceed 30% of the facade area.

* Maximum area of any single sign mounted perpendicular to a given facade shall not exceed 75 sq. ft.

(c) Noise Regulations.

* Performance of music shall be permitted both indoors and outdoors throughout the Cultural and Entertainment Overlay District.

* Outdoor music performances within 200 ft. of residential uses shall conclude by 11:00 pm.

* No indoor or outdoor performances may be audible by residential uses after 11:00 pm or before 11:00 am.

(d) Parking Regulations. See Section 161.26(F). Parking, for requirements and exceptions related to parking in the Cultural and Entertainment Overlay District.

(E) Architectural Standards. This section specifies building materials, details and configurations. Building designs which strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance. Building designs which do not comply with these standards may be permitted, but only after review and approval by a board of three local design professionals appointed by the City Council. The appointed board is referred to in this ordinance as the "Board of Architects". The board members shall serve for rotating two-year terms. The Board members shall render a decision within 30 days following the submittal of an application for building permit. If the Board does not review an application within 30 days following the submittal of an application for building permit, the application shall be considered approved for matters of aesthetics. Building designs that are denied approval by the Board may be permitted by majority vote of the City Council.

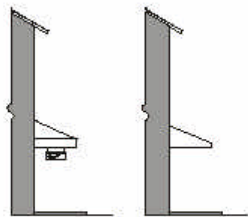
CD161.26.9
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(1) Special Building Elements & Appurtenances.

Retail Frontage is required to have at least one of the following: marquee, awning, balcony, colonnade, arcade. Residential buildings are required to have either a stoop or porch. If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch, or stoop, then it shall comply with the following regulations:

(a) Marquees and Awnings



Depth = 6 ft minimum.
Height = 8 ft minimum clear.
Length = 50% to 100% of Building Front. (for storefronts only).

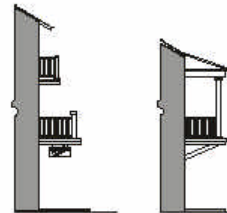
The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way.

Awings shall be made of fabric or metal. High-gloss or plasticized fabrics are prohibited.



(b) Balconies



Depth = 4 ft minimum for 2nd floor balconies.
Height = 10 ft minimum clear.
Length = up to 100% of Building Front. (for storefronts only).

Balconies shall occur forward of the principal façade and may encroach within the right-of-way.

Balconies may have roofs, but are required to be open, un-airconditioned parts of the buildings.

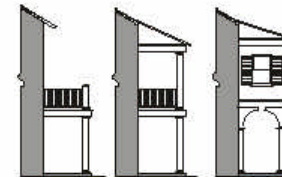
On corners, balconies may wrap around the side of the building facing the side street.



CD161:26.10
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(c) Colonnades and Arcades



Depth = 8 ft minimum from the principal façade to the inside column face. 18" from outside column face to curb.
Height = 10 ft minimum clear.
Length = 75-100% of Building Front. (for storefronts only).

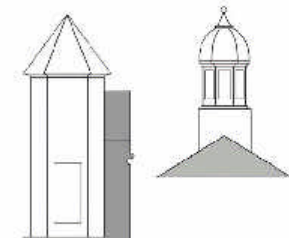
Open multi-story porches, awnings, balconies, and enclosed useable space shall be permitted above the colonnade.

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, but may not encroach within the right-of-way, and shall not extend past the curb line. Colonnades may replace street trees along their length. On corners, colonnades may wrap around the side of the building facing the side street.



CD161:26.11
DRAFT April 30, 2004

(d) Turrets and Cupolas



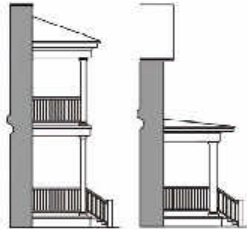
Plan Area = 20' x 20' Maximum Footprint

Height = If footprint is larger than 10' x 10', then the cupola / turret may extend a maximum of 25' above the roofline of the highest story. If footprint is below 10' x 10', then the turret or cupola may extend to a maximum of 50' above the roofline of the highest story.



TITLE XV UNIFIED DEVELOPMENT CODE

(e) Front Porches



Depth = 8 ft minimum from building face to inside column face.
 Length = 25% to 100% of Building Front.
 Length = 25% to 100% of Building Side for wrap-around porches.
 Height = 30" min. from grade to top of stairs; 96" maximum.

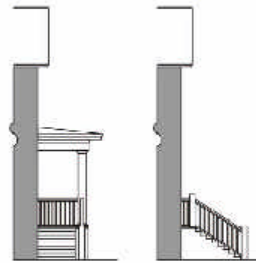
Front Porches may be multi-story.

Front Porches may occur forward of the principal facade. Porches shall not extend into the right-of-way.

Front Porches are required to be open and un-airconditioned. No more than 25% of the floor area of a porch may be screened if the porch extends forward of the Build-to Line.



(f) Stoops



Depth = 4 ft minimum from principal facade to inside column face for stoops with covered landing.
 Length = 10% to 25% of Building Front. (length does not include stairs)
 Height = 30" minimum from grade to top of first finished floor; 96" maximum.

Stoops may occur forward of the principal facade, but shall not extend into the right-of-way. Stoop stairs may run to the front or to the side. Sidewalks shall have a minimum 5' clear access for pedestrians. Stoops may be covered or uncovered.

*Front Porches and Stoops shall not be built within 18" of the side property line on attached unit types.



CD161:26.12
 DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(2) Architectural Elements

The lists of permitted materials and configurations have been selected for their visual appropriateness and responsiveness to climate. The primary goal of the Architectural Elements is authenticity. The Elements encourage construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. All items not listed in the Architectural Elements may be allowed upon review by the Review of Architects.

(a) General Requirements:

The following shall be located in rear yards or sideyards not facing side streets:

- * Window and Wall Air Conditioners;
- * Electrical Utility Meters;
- * Air Conditioning Compressors (maybe located on rooftops if screened from view by roof or parapet wall); and
- * Irrigation and pool pumps.

The following shall be located in the rear yards only:

- * Antennas;
- * Permanent Barbecues;
- * Satellite dishes;
- * Clotheslines.

The following are prohibited:

- * Undersized shutters (the shutter or shutters shall be sized so as to equal the width that would be required to cover the window opening.);
- * Shutters made of plastic;
- * Reflective and/or bronze-tint glass;
- * Plastic or PVC rooflines;
- * Backlit awnings;
- * Glossy-finish awnings;
- * Exposed cell phone towers

CD161:26.13
 DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(b) Building Walls

Required for all buildings:

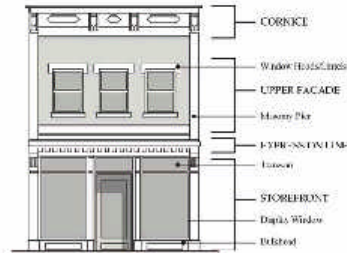
- * Exposed foundation walls (below the first floor elevation) shall be concrete (painted and/or stuccoed C.B.S.), brick, or natural/manufactured stone.
- * All Chimneys shall be finished with brick, stucco, or natural or manufactured stone.
- * The facades of buildings are encouraged to be finished with more than one finish material. Heavier materials (Stone, Brick, Concrete with Stucco, etc.) shall be located below lighter materials (Wood, Fiber Cement Board, Siding, etc.). The change in material should occur along a horizontal line, preferably at the floor level.

Required for all buildings except attached and detached single family houses:

An expression line and a cornice.

Permitted Finish Materials:

- * Concrete masonry units with stucco (C.B.S.)
- * Reinforced concrete with stucco
- * Pre-cast concrete with stucco
- * Fiber cement board such as "Hardie-Plank" siding (50-year siding product)
- * Wood (termite resistant, 50-year siding product): painted white, left natural, or painted/stained with earth-toned colors.
- * Brick
- * Stone (natural or manufactured)
- * E.I.F.S., Fiberglass (as cornice material), and composite materials: shall be located out of reach of pedestrians and shall visually appear to have a hand troweled finish.
- * Wherever possible, Green building materials are encouraged in the construction of building walls, including recycled-content sheathing, siding composed of reclaimed or recycled material, salvaged masonry brick or block, and locally produced stone or brick.



Facade Elements Diagram



CD161:26.14
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(c) Columns, Arches, Piers, Railings & Balustrades

General Requirements:

- * Column and Pier spacing: Columns and Piers shall be spaced no farther apart than they are tall.

For classical column proportions refer to *American Vignola: A Guide to the Making of Classical Architecture* by William R. Ware, W.W. Norton & Company, New York, 1977.

Permitted Finish Materials:

- * Columns: Wood (termite resistant), painted or natural; Cast Iron; Concrete with smooth finish, painted or unpainted; Brick; Stone.
- * Arches,lintels, and Sills: Concrete Masonry Units with Stucco (C.B.S.); Reinforced Concrete with Stucco; Brick; Stone (natural or manufactured).
- * Piers: Concrete Masonry Units with Stucco (C.B.S.); Reinforced Concrete with Stucco; Brick; Stone (natural or manufactured).
- * Railings & Balusters: Wood (termite resistant), painted or natural; Wrought Iron; Stone (natural or manufactured).

Permitted Configurations:

- * Columns: Square, 6" minimum, with or without capitals and bases; Round, 6" minimum outer diameter, with or without capitals and bases; Classical orders.
- * Arches: Semi-circular, Jack, & Segmental.
- * Piers: 8" minimum dimension.
- * Porches: Top Rail: 2-3/4" minimum diameter; Balusters: 4" o.c. spacing minimum, 6" o.c. spacing maximum. All dimensions shall also conform with local building codes.



Square Column

Wood Railing

Stone Pier



Railing & Balusters



Arched Entranceway

CD161:26.15
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(d) Windows, Skylights, & Doors

General Requirements:

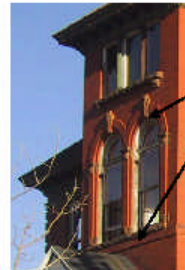
- * Window and door openings shall be taller than they are wide.
- * Window openings may be grouped horizontally.
- * Masonry Construction: A header and sill are required for all windows.
- * Wood Construction: Windows are required to have trim on all four sides.
- * The following accessories are permitted: Shutters, Window Boxes, Mullions, Fabric or Metal Awnings (no backlighting; no glossy-finish fabrics)

Permitted Finish Materials:

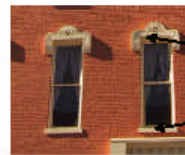
- * Windows & Storefronts: Wood, Aluminum, Copper, Steel, Clad Wood
- * Doors: Wood or Metal
- * Whenever possible, Green building materials shall be used for windows & doors, including wood/composite windows, finger-jointed wood windows, and reconstituted or recycled-content doors

Permitted Configurations:

- * Windows: Rectangular, Round, Semi-circular, Octagonal, Transom, Sidelite
- * Window Operations: Casement, Single- and Double-Hung, Industrial, Fixed Frame (36 square feet max.)
- * Door Operations: Casement, French



Masonry construction: arch header, sill



Header

Sill



Wood Construction: trim on four sides

CD161:26.16
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(e) Roofs & Gutters

General Requirements:

- * Permitted Roof Types: gabled, hipped, mansard shed, gambrel, barrel vaulted & domed. Flat roofs shall be concealed with parapets along the street frontage. Applied mansard roofs are not permitted.
- * Downspouts are to match gutters in material and finish.

Permitted Finish Materials:

- * Metal: Galvanized, Copper, Aluminum, Zinc-Alum
- * Shingles: Asphalt or Metal, "dimensional" type, Slate, Composite Slate
- * Gutters: Copper, Aluminum, Galvanized Steel
- * Recycled-content, 30- or 40-year roofing material.

Permitted Configurations:

- * Metal: Standing Seam or "Five-vee," 24" maximum spacing, panel ends exposed at overhang
- * Shingles: Square, Rectangular, Fishscale, Diamond
- * Gutters: Rectangular section, Square section, Half-round section, Ogee Section



CD161:26.17
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(f) Garden Walls, Fences & Hedges

General Requirements:

Fences, garden walls, or hedges are required along all property lines which abut streets and alleys as shown in the diagram below. Fences, garden walls, or hedges are encouraged along side yards and rear yards. Fences, garden walls and hedges shall be minimum 25 % opaque.

Height :

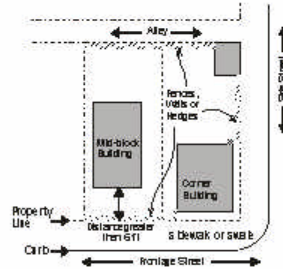
- * Front Yard (in front of the primary structure): maximum height of 42 inches. Pillars and posts may extend farther.
- * Rear Yards and Side Yards (behind the principal façade of the primary structure): minimum height of 36 inches, maximum height 6 feet.

Permitted Finish Materials:

- * Wood (termite resistant): painted white, left natural, or painted/stained with colors.
- * Wrought Iron
- * Brick
- * Stone
- * Concrete Masonry Units with Stucco (if primary structure is masonry)
- * Reinforced Concrete with Stucco - if primary structure is masonry

Permitted Configurations:

- * Wood: picket fences with corner posts; split rail
- * Wrought Iron: Vertical, 5/8" minimum dimension with 4" maximum clear space between vertical members.
- * Brick
- * Stone
- * Stucco: with texture and color to match building walls



CD161:26.18
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(g) Opacity & Façades

General Requirements:

Each floor of any building façade facing a park, square or street shall contain transparent windows covering from 15 % to 70 % of the wall area.

Storefronts only:

In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have untinted transparent storefront windows and / or doors covering no less than 75 % of the wall area. Low emissivity glass with high visual light transmittance is permitted. Bottoms of the storefront windows shall be between 1 and 3 feet above sidewalk grade. Storefronts shall remain unshuttered at night and shall provide clear views of interior spaces lit from within. Doors or entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the City Planning Staff.



CD161:26.19
DRAFT April 30, 2004

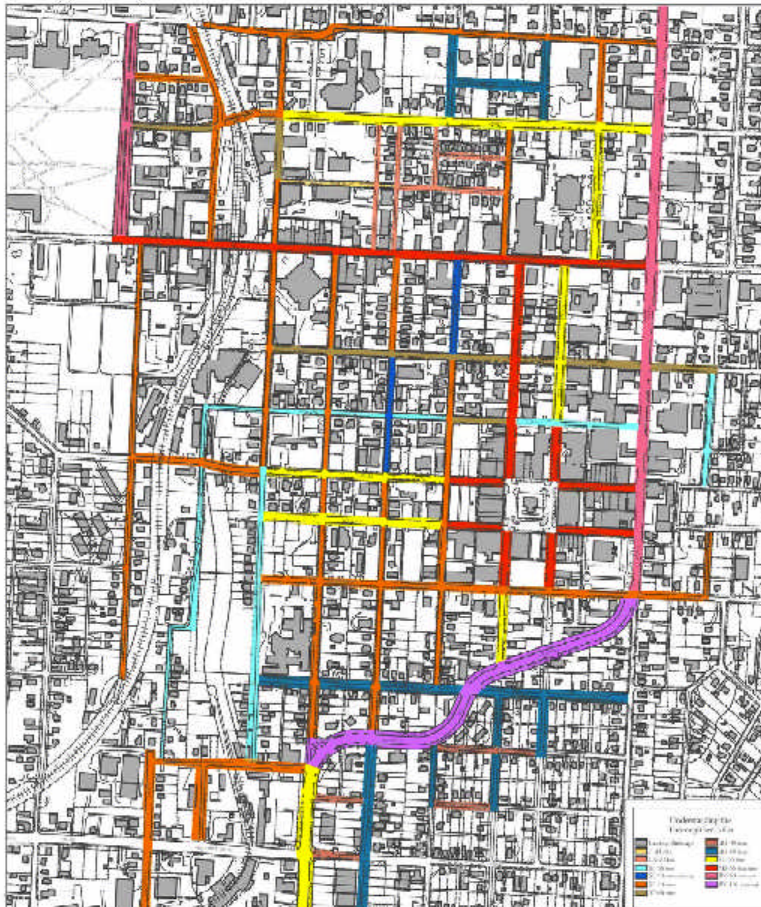
(F) Street and Parking Standards.

(1) Downtown Streets.

All applications for development in the Downtown District must include the design of street elements adjacent to the applicant's property. These designs must be according to the thoroughfare type adjacent to the property, as identified in the Thoroughfare Atlas 161.26 (FX)(a). The Thoroughfare Atlas provides the thoroughfare type and the appropriate thoroughfare sections to inform the applicant regarding how parking, sidewalk, tree planting and other elements are to be sized and arranged. Contact with City Planning and Engineering staff will provide clarification regarding the required design for each thoroughfare.

TITLE XV UNIFIED DEVELOPMENT CODE

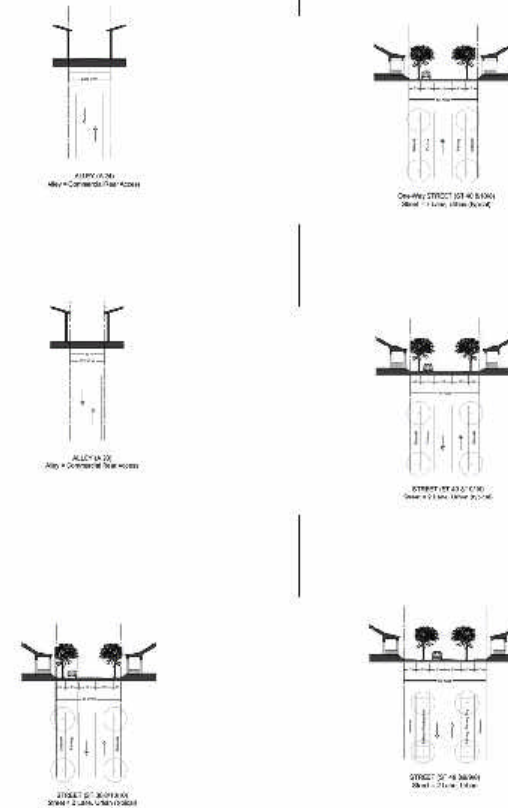
(a) Thoroughfare Atlas.



CD161:26.20
DRAFT April 30, 2004

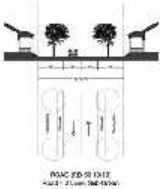
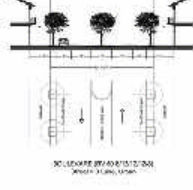
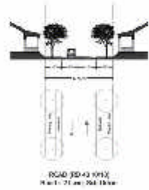
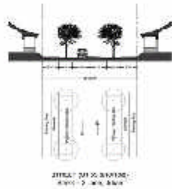
TITLE XV UNIFIED DEVELOPMENT CODE

(b) Thoroughfare Sections.



CD161:26.21
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE



CD161:26.22
DRAFT April 30, 2004

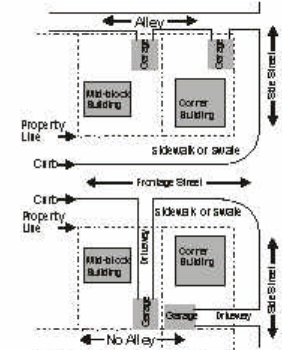
TITLE XV UNIFIED DEVELOPMENT CODE

(2) Downtown Parking.

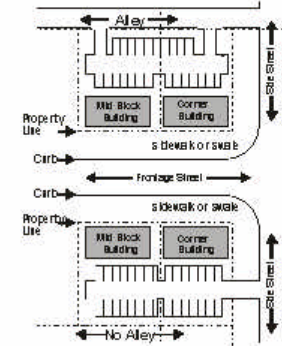
(a) *Parking and Loading.* All parking related design and access details within the Downtown District shall be compliant with Section 172, *Parking and Loading*, with the following exceptions:

- (1) Drive way throat lengths, 172.04(E)(1), do not apply.
- (2) One-way entrances to parking lots, 172.04(E)(2)(a)(i), shall be ten (10) feet to twelve (12) feet in width.
- (3) Two-way entrances, 172.04(E)(2)(a)(ii), shall be twenty (20) feet to twenty-four (24) feet in width.
- (4) Drive aisles for circulation, 172.04(E)(2)(b), that have no parking on either side may be ten (10) feet in width for one-way, or twenty (20) feet in width for two-way.
- (5) All waivers referenced to C-3 and C-4 in Section 172.05(A) shall apply to the entire Downtown District.
- (6) On-street parking spaces directly adjacent to a property may count toward a property's off-street required number of spaces (Section 172.05). When an on-street space fronts two separate properties, that property with the largest portion of the space adjoining shall claim the space.
- (7) Exceeding the required amount of parking spaces (Section 172.05(B)) is strongly discouraged within the Downtown District.
- (8) Transect zones and the Cultural and Entertainment Overlay District are not equivalent to zoning districts as mentioned in Section 172.06, *Parking Lot Location Standards*. The Downtown District is the zoning district.
- (9) The width of landscaped areas parallel to property lines adjoining street rights-of-way in Section 172.07(D)(2) shall be equal to the build-to line distance or minimum setback distance specified within each transect zone. If a transect zone specifies a build-to zone, then the width of the landscaped area shall be equal to the maximum build-to location or actual build-to location of the principal structure, whichever is the shortest distance of the two.

(b) *Driveway and Access to Parking Locations.* The following items apply to properties within the Downtown District:



- (1) Buildings that have both rear and side access shall access parking through the rear (see diagram above).
- (2) Driveways from the front of a lot to rear parking areas are permitted only where rear or side street access is unavailable (see diagram above).



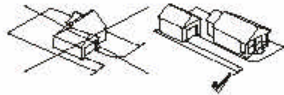
- (3) Access through parking lots across property lines is encouraged, especially when there is no alley (see diagram above).

CD161:26.23
DRAFT April 30, 2004

TITLE XV UNIFIED DEVELOPMENT CODE

(4) Circular drives shall be approved on a case by case basis by the Board of Architects

(5) Garage door(s) shall be positioned no closer to the street than twenty (20) feet behind the principal plan of the building front. Where space permits, garage doors shall face the side or the rear, not the front.



(c) Cultural and Entertainment Overlay District Parking Exception.

(1) There shall be no minimum parking requirements for properties within the Cultural and Entertainment Overlay District.

(2) The Planning Commission shall review this policy of no minimum parking requirement for the Cultural and Entertainment Overlay District periodically, but no sooner than every two years.

(G) *Inclusionary Housing Standards.* [To be completed by the City] This section should be coordinated with a general housing policy and strategy for the City that may include public financing and subsidy, and perhaps limits to tax increases to insure affordability.

Regulations may include:

- # of units in a proposed development that trigger the use of these standards.
- Percentage of required inclusionary units from the total number of units provided.
 - this could be a fixed amount such as 10% for everyone, or
 - differing amounts depending on the targeted income level (such as moderate, low, very low ---as defined by federal or state policies)
- In-lieu fees: this will be a schedule of fees offering developers the opportunity to pay a sum of money instead of providing the inclusionary units. The in-lieu fee may be applied to the entire requirement, or toward some percentage of required units, to be determined by the City. The schedule of fees may need to be updated from time to time.
- A provision that allows an alternative to these regulations under special

circumstances by constructing inclusionary units off-site, or by dedicating land to the City, a non-profit CDC, or a housing authority, suitable to constructing the required number of inclusionary units.

- Credits for additional units that may be applied to future projects
- Requirements for an Inclusionary Housing Agreement, that has to be submitted with any development or building applications.
- Provisions for insuring permanent affordability or perpetual affordability regarding resale of developed inclusionary units.

Regarding Quality:

Inclusionary units may be smaller in area than market rate, but the unit mix shall be proportional to the market rate mix.

Regarding Timing:

Inclusionary units shall be constructed at the same time as market rate units.

Regarding Incentives:

Inclusionary Housing Standards should provide incentives for developers that may include:

- Height or density increases for the number of inclusionary units beyond the requirements.
- Reductions in unit sizes, minimum lot sizes, and interior finish materials.

CD161:26.24
DRAFT April 30, 2004